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In re Application of  
James D. Kelly, et al.  
Application No. 08/779,632  
Filed: January 7, 1997


ON PETITION

This is a decision on the petition filed April 13, 1998, for the reasons indicate below, is being treated as a petition to withdraw the holding of abandonment in the instant application.

The petition is granted.

This application was held abandoned for failure to timely respond to the Office action mailed April 27, 1998. The evidence presented shows that the delay in filing the response to the Notice to File Missing Parts Letter, was due to non-receipt of office action by applicant's representative. In support of this contention, the petition set forth the procedure used in docketing mail received from the Patent and Trademark Office. In addition, copies of items on which the Office action would have been entered, had it been received, accompanied the petition. The exhibits corroborate nonreceipt of the Office action.

In view of the above it is clear that you have complied with all of the requirements for the filing of this application, therefore the processing of this case is in wait of your response.

  
Betty L. Robinson  
Office Of Initial Patent Examination